

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW APPLICATION (st) NO.24879 OF 2005.
IN
WRIT PETITION NO.5192 OF 200.**

Amyr A. Premji & Ors. ..Applicants
versus

Life Insurance Corporation of
India and Ors. ..Respondents

Mr.A.V.Anturkar Advocate for the Applicant

Mr.Ajitkumar Shah for the Respondent

**Coram : S.R.Sathe, J.
Dated : 30th Jan, 2006**

P.C.

1. Heard both the learned Advocates. Perused the papers.

2. The applicant is seeking review of the order passed by the Court (Coram: A.P.Shah, J.) on 13.9.2005 whereby writ petition No.5192 of 2005 was dismissed. Shri Anturkar, learned Advocate for the applicant submits that extension of time in filing the written statement can be granted only in exceptional circumstances as laid down in AIR 2005 SC 2441. According to him, in the case at hand there were no such exceptional circumstances given by the original defendant. Both the courts below

held that the defendant, Life Insurance Corporation of India had made out exceptional and extra ordinary circumstances. This Court also therefore felt that there was no necessity to interfere in the matter under Article 227 of the Constitution of India.

3. The learned Advocate for the respondent submits that the written statement is already on record, affidavit of evidence is also filed and the matter is now pending for cross examination. When such is the position, I do not think that there is any necessity to modify or review the order dated 13.9.2005 particularly when no case for review as contemplated under Order 47(1) of CPC has been made out by the petitioner.

4. In view of the above, both the parties are directed to appear before the trial court on 20.2.2006 and the trial court is directed to dispose of the matter according to law within three months from 20.2.2006.

(S.R.Sathe, J.)